THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10384 of 2005

Dated:03.08.2007

Between:

Beeraboyina Jogidora,
S/o.Late Pentannadora,
and another.

…Petitioners

and

The District Collector,
East Godavari District at Kakinada,
and others.

…Respondents

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WRIT PETITION No.10384 of 2005

ORDER:

The two petitioners statedly belong to Koya, a Scheduled Tribe community. Their grandfather, Beeraboyina Pentayya, was allegedly granted a patta for an extent of Acs.4.81 cents in Survey No.201/3 and Acs.5.58 cents in Survey No.202. It is also alleged that his grandfather was also given another extent of Acs.16.38 cents in Survey Nos.161/1 and 161/2 situated at Lagarayi Village of Rajavommangi Mandal in East Godavari District. In 1966, these lands were mortgaged to one Kunisetti Ramu, a non-tribal. The father of the petitioners, Pentannadora, filed L.T.R.P.No.124 of 1996 under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulation'), and the land in Survey Nos.201/3 and 202 was again restored to him by reason of the orders passed by the Special Deputy Collector on 28.04.1999. The father of the petitioners had also filed L.T.R.P.No.77 of 1999 in respect of the lands comprised in Survey Nos.161/1 and 161/2 against Kunisetti Ramu for restoration of the land. When this matter was pending, the father of the petitioners died. The matter was not properly represented. The second respondent passed orders on 15.11.2000 ordering ejectment of the petitioners as well as Kunisetti Ramu. The petitioners then preferred

an appeal before the District Collector. By an endorsement in L.Dis.F2.1670/2005, dated 28.03.2005, the Office of the Collector, East Godavari, requested the petitioners' Lawyer to present the appeal before the Additional Agent to the Government, and the appeal papers were returned. The petitioners then sent the appeal to the fourth respondent by Registered Post with Acknowledgement Due. The same was refused to be received by the fourth respondent, aggrieved by which, the present Writ Petition is filed.

The petitioners preferred the appeal against the order of the second respondent dated 15.11.2000, by sending the same by way of registered post with acknowledgment due on 06.04.2005 (RL-AD 9812, Kakinada Head Post Office) with a considerable delay. Whether or not such an appeal would lie as per Rule 8(2) of the Andhra Pradesh Scheduled Areas Land Transfer Rules, 1969, read with Section 3(3)(b) of the Regulation, is a matter to be considered by the appellate authority. There is no denial that now the Project Officer is designated as Additional Agent to Government to exercise all powers under the Regulation. As the petitioners sent the papers by registered post with acknowledgment due as advised by the District Collector (who is Agent to Government), the Project Officer should immediately entertain the appeal, and pass appropriate orders keeping in view the observations made hereinabove. Liberty is given to the petitioners to present a set of appeal papers, which is sent by registered post with acknowledgement due, to the fourth respondent immediately along with a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

03.08.2007

Note: Issue C.C in one week.

B/o.

vs